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Family Leave: Changing Needs of the World's Workers

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Family Leave: Changing Needs of the World's Workers

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Paper prepared for the IYF secretariat by Elizabeth Beard Goldsmith, Professor, Florida State University, Tallahassee, Florida, United States of America.

The views expressed in this paper are those of the author and do not necessarily reflect those of the United Nations Secretariat.

CONTENTS

		Page
Introduction		1
I.	**Family leave: an overview**	2
II.	**A historical perspective**	3
III.	**Role of the United Nations**	5
IV.	**Family and Medical Leave Act of the United States: perseverance and progress in meeting family needs**	6
V.	**Why family-leave policies vary**	8
VI.	**Issues regarding family leave**	9

Introduction

"Mrs. Lentz, your approximate delivery date is November 3rd; your pregnancy appears to be normal."

"Mr. Morales, please call 776-5721. There has been an accident and your son is in City Hospital."

"I'm afraid I have some difficult news. Your mother has Alzheimer's disease ..."

"The test results are positive for the acquired immune deficiency syndrome. As you may know, AIDS ..."

Such messages are received by millions of people every day. The impact of birth, the ageing of parents and the onset of illness affects all realms of life, including that of work. With the rapidly changing demographics of the workforce, it is crucial that action be taken at local, regional and national levels to accommodate the fulfilment of family responsibilities. So significant is the relationship of the family to social and economic conditions that a number of recommendations for national policies have been made under the auspices of the United Nations. One of the specific solutions to assuring that family responsibilities can be met is family leave, the topic of the present paper.

There have been dramatic changes in the workforce worldwide and there are clear indications that such changes will continue. Women are entering the workforce in increasing numbers, often out of economic necessity. Many mothers are the sole economic providers for their children. In the last two decades, employment rates for mothers with young children have doubled in many countries. In addition, in two-parent families, both parents work outside the home in increasing numbers. Adequate support systems are needed therefore to help families cope with the effects of the increased participation in the workforce.

Balancing family responsibilities with work demands is a major challenge, especially when child care, elder care and illness are realities. As the responsibilities of a home affect employment, and employment affects home life, it is critical to develop ways of meeting the changing needs of the global workforce. In addition to such changes as more flexible hours, employer-supported child care and job-sharing, family leave is one major solution to meeting the needs of workers more appropriately.

Family leave is an umbrella term encompassing many policies including leave from work for the birth of a baby, the adoption of a child and the care of critically ill family members. Policy considerations include the appropriate length of leave time, whether leave should be paid or unpaid and specifications about which employees qualify for leave and which employers should offer leave. An underlying premiss is that employees should not have to run the risk of losing their jobs in order to take care of critical family responsibilities.

The International Year of the Family (IYF) is an appropriate time to increase awareness of, and encourage action for, solutions to pressing problems related to the global workforce. Family leave is one solution that addresses changing family values, economic change, equity within and between families, and appropriate interventions and related policies. Family-leave policies strive to clarify the balance between how the family satisfies its own needs and those of society. Family-leave policies strengthen a family's ability to meet its members' needs; this strengthening is recognized as a social good. Everyone will benefit in the long run if each country implements family-leave policies that are appropriate for specific conditions.

I. Family leave: an overview

The term "family leave" refers to a host of issues and policies. For prospective parents who are employed, their concerns include how much time they will be allowed to be away from work before, during and after the birth of their children (leave); whether they will continue to receive pay for the time that they are away from work (wage replacement); and whether they will have a job to return to at all (job security). Similar concerns are felt by parents adopting a child. Employees can also be confronted with the critical illness of a spouse, child or parent.

Most of the research and statistics that have been published on family-leave policies come from Europe, North America and Japan. However, family leave is a worldwide concern that will become increasingly important as more countries become industrialized and more women leave the home to enter the workforce. For example, global trends show that work for wages in an industrial setting is replacing family-based labour. According to International Labour Organisation (ILO) data, the number of persons working in agriculture in developing countries in Asia and the Pacific decreased from 79.5 per cent to 66.6 per cent between 1950 and 1970, while employment in industry almost doubled.[1] Of the 828 million women estimated to be economically active worldwide in 1990, over half (56 per cent) lived in Asia, 29 per cent in the developed regions, 9 per cent in Africa and 5 per cent in Latin America and the Caribbean.[2] Traditionally, in most Asian countries, women have stayed at home to care for children and elderly relatives but, increasingly, they are joining the workforce in growing numbers without the societal and legislative support to help with elder and child care. Consequently, the issues of family leave and family support, in general, are receiving more attention than ever before in Asian countries. African, Latin American and Caribbean countries are struggling with issues of gender equality including those related to work.

At the United Nations Africa and Western Asia Preparatory Meeting for the International Year of the Family, representatives of African and Western Asian countries made recommendations concerning the removal of obstacles to women's equal and active participation in all spheres of society,[3] as did the participants in the Asian and Pacific Preparatory Meeting for the International Year of the Family.[4] In the Cartagena Declaration, participants in the Latin American and Caribbean Regional Meeting Preparatory to the International Year of the Family agreed to "reinforce programmes designed to satisfy the basic needs of families and, in particular, facilitate their access to ... employment and income generation".[5] In the Declaration of Valletta, the participants in the United Nations Europe and North America Preparatory Meeting for the International Year of the Family urged that consideration should be given to altering conditions of work to take family responsibilities into account in order to assist family members in achieving a better balance between work and family responsibilities.[6]

II. A historical perspective*

The concept of family leave, in particular maternity leave, is not new. Maternity leaves were common in many pre-industrial and preliterate societies.[7] A period of rest or isolation was granted women following childbirth both because of concern for the health of the mother and infant and because of religious beliefs and a general superstition that women were unclean and possessed by evil spirits following childbirth.[8]

The industrial revolution of the mid-nineteenth century raised new concerns related to maternity and early child care throughout Europe. Women regularly worked in early industrial society, and their contributions were recognized as vital to nineteenth-century European economies; however, the workplace tended to be a dirty, hot and dangerous place in which people worked very long hours. Maternity leave, generally thought of as maternity protection, sought to protect women in the post-partum period from exposure to these negative conditions. Additionally, there was increasing concern about the extremely high rate of infant mortality among the babies of women who returned to work shortly after birth. Doctors became convinced that more babies would survive if women could be induced to breast-feed their babies for several months before returning to work.[7]

In 1883, Germany became the first western country in which maternity protection became mandatory under national insurance legislation. In 1903 Russia enacted a national leave law followed in 1911 by France, Italy and the United Kingdom of Great Britain and Ireland. In 1919, the General Conference of ILO, which was convened at Washington, D.C., United States, adopted the Convention concerning the Employment of Women before and after Childbirth (the Maternity Protection Convention) in which Members of ILO recognized that a woman should have the right to take maternity leave before and after her confinement, that such leave should be paid for out of public funds or a system of insurance and that she should be allowed half an hour twice a day during working hours for the purpose of nursing her child. Subsequently, many more European countries adopted maternity protection legislation or improved their laws. Several countries altered their legislation to provide job security upon the mother's return to work. Although the United States had hosted and participated in the Conference, it did not pass or seriously consider maternity legislation at that time.

More European legislatures took action on maternity leave in the 1940s and 1950s, during which time many eastern European countries adopted or adapted maternity policies similar to those of the former Union of Soviet Socialist Republics. These countries desperately needed women in the workforce to help rebuild their economies after the Second World War. Furthermore, healthy babies would help much of eastern Europe to rebuild its populations.

In 1985, it was considered that the more generous parental-leave policies were to be found in northern, western and eastern Europe. Several European countries provided leave for either parent. Sweden, Finland and France, for instance, had liberal policies that applied to either the father or the mother, allowing one or the other parent job-secured leave with partial or total wage replacement for up to two years.[9]

In October 1992, the Council of Ministers of the European Economic Community (EEC) adopted a directive on the protection of pregnant women at work, and those who had recently given birth or were breast-feeding their child. One of the provisions is an obligatory maternity leave of two weeks before, after or straddling the presumed date of delivery. In line with national

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*Most of the information in the sections that follow has been adapted from Mary Benson McMullen and Elizabeth Beard Goldsmith, "Parental leave: The changing needs of the American worker", *Journal of Home Economics*, vol. 83, No. 4 (1991), pp. 6-21, for which permission to use has kindly been granted by the American Home Economics Association.

legislation and practice, the actual duration of the maternity leave is set at a minimum of 124 uninterrupted weeks and the employment rights of women taking maternity leave are to be maintained. While most countries have exceeded the stipulations, some changes are still necessary to comply with the directive. An analysis of the information available reveals that 25 per cent of EEC members made significant policy changes in 1991. With the exception of Ireland, there are limitations and restrictions to the kind of work that is allowed. There is a wide variation in the number of months of job protection provided after parturition, with Belgium providing one month, Germany 36 months, and the average being 8.37 months. Eight countries have compulsory maternity-leave provisions for both pre- and post-delivery and three provide post-delivery protection. Pre-delivery leave varies from 1 to 10 weeks and post-delivery leave from 4 to 24 weeks. Two thirds of the member countries have provisions for breast-feeding. Paternity leave is increasingly provided. In Denmark, fathers are entitled to take two weeks of paternity leave in any period during the first 14 weeks after the birth of their children. The long-term impact of these provisions, however, needs to be researched over time.[10]

In the United States, it was not until the 1930s that the subject of married women working outside the home became a major political issue. A review of the literature reveals that most United States residents were generally opposed to married women working outside the home. During the Second World War, however, women were needed to assume positions in the workforce left by men going to war as well as to fill jobs in the new specialized war-related industries. During the war years, the Government opened and sponsored over 3,000 day-care centres for children and developed a set of guidelines benefiting pregnant and post-partum female workers.[11] Following the Second World War, however, the Government closed 2,800 of the 3,000 federally sponsored day-care centres. Many women quit their jobs and returned to home and domestic work. Data from the United States Bureau of Labor Statistics clearly indicate a substantial drop in women's employment outside the home immediately following the end of the Second World War.

III. Role of the United Nations

The United Nations has provided an international framework for the implementation of family-leave policies. Of particular relevance are the Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (No. 156) and the Recommendation concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (No. 165).[12]

The Recommendation includes sections on definition, scope and means of implementation; national policy; training and employment; terms and conditions of employment; child-care and family services and facilities; social security and help in exercise of family responsibilities. The Convention and Recommendation provide for measures to be taken that promote equality of opportunity and treatment for workers who have family responsibilities including the care of dependent children, the elderly and sick family members. The Recommendation states that vocational guidance and training, to enable workers with family responsibilities to enter or re-enter the workforce, should be available. Furthermore, national conditions should be taken into account when implementing the Recommendation.

Both employers' and workers' organizations should have the right to participate in policy development. It is recommended that each country should promote information and education that engender a climate of opinion conducive to overcoming the problems of workers with family responsibilities.

These instruments support the development of national policy through collaborative planning with the public and private sectors to harmonize family needs and employment responsibilities. For instance, community planning should include child-care and family services as well as such facilities as transportation.

In the Recommendation, the need for research is recognized in the provision that the competent authorities and bodies in each country should undertake or promote such research as may be necessary to provide objective information on which sound policies and measures may be based.

IV. Family and Medical Leave Act of the United States: perseverance and progress in meeting family needs

Barriers and resistance to family-leave policies can be overcome through education and persistence as illustrated by developments in the United States.

In the United States during the last two decades, employment rates for mothers with children under two years of age increased from 31 per cent in 1970 to 54 per cent in 1985. The employment of mothers of infants of less than a year old has risen 100 per cent since 1970, up to a level of 49 per cent.[13] The percentage of working women in the United States who are in their child-bearing years (65 per cent) is particularly significant because 90 per cent of them will give birth to at least one child at some time during their employment histories.[14] Clearly there has been a need for support of family responsibilities in the United States workforce. Using documents prepared by the United Nations as backup, in 1985, Representative Pat Schroeder of the United States Congress introduced the Family and Medical Leave Act bill, which called for four months of unpaid job-secured leave to care for newborn, newly adopted or seriously ill children.[15] Although the bill was not passed, several States voluntarily adopted similar policies for private-sector employees who worked for large companies. This bill served as a forerunner to the Family and Medical Leave Act that President Clinton signed into law on 5 February 1993 to be put into effect on 5 August 1993. Some provisions of the Act are summarized in the box below.

Family and Medical Leave Act of 1993

The Family and Medical Leave Act applies to all public agencies, including State, local and federal employers, local education agencies (schools) and private-sector employers employing 50 or more employees in 20 or more workweeks in the current or preceding calendar year within a 75-mile radius.

- Covered employers must grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for the birth or placement of a child for adoption or foster care, for the care of a seriously ill child, spouse or parent, or in the case of his or her own serious illness.
- Employers have to continue health-care coverage for the employee during the leave.
- Employers have to guarantee that employees will return to either the same job or a comparable position.
- Employers can refuse to reinstate certain highly paid "key" employees after their leave. Such employees are defined as the highest paid 10 per cent of the workforce and whose leave would cause economic harm to the employer.
- Employers can exempt employees who have not worked for at least one year and who have not worked for at least 1,250 hours, or 25 hours a week, in the previous 12 months.
- A doctor's certification has to be obtained to verify a serious illness. Employers may require a second medical opinion.
- Employers can substitute an employee's accrued paid leave (such as sick or annual leave) for any part of the 12-week period of family leave.
- Under some circumstances, employees may take the leave intermittently, by taking leave in blocks of time or reducing their normal weekly or daily work schedule.
- Employers are permitted to require an employee taking intermittent leave for planned medical treatments to transfer temporarily to an equivalent alternative position.

While there are limitations in the Act and implementation will allow for modification based upon experience, its enactment is a historically significant step. Use of United Nations instruments and the large body of literature and experience available in the United States regarding family leave might be instructional to other countries considering the development of family-leave policies.

V. Why family-leave policies vary

If family leave has such a long history and is such an obvious societal good, why are national policies not more common and highly developed? This question has given rise to a variety of opinions and much speculation, one reason for which might be the fundamental economic and political issue of how much government intervention there should be in family life. How much should caring for family members be the responsibility of the family and how much should it be the responsibility of government? As to why Europe developed strong family-leave policies and the United States did not until recently, one answer may lie in the differences in basic political ideology.[11] Those who subscribe to this view support the notion that the efforts of socialist parties and labour unions to improve the working conditions in early industrial Europe resulted in the adoption of social welfare policies, including maternity leave. The rationale behind the generous leave policies in the former countries of the Eastern bloc, such as the former USSR, is believed to have been to encourage an increase in birth rates in order to create a larger pool of workers.[9] Historically, the position of the United States has been that policies such as parental leave should not be mandated nationally, but rather should be voluntary on the part of employers and negotiated through the private sector or by agreements between labour and management.

Others theorize that the differences between Europe and the United States regarding parental leave may be rooted in the early feminist movement.[7] These theorists suggest that European women placed the emphasis of their movement on the conditions and needs of working women in order to achieve equality in pay, work status and political standing. Thus, European women focused on securing pregnancy and paternity leave and on national child-care policies. In the United States, however, feminists might have feared that making an issue out of biological differences between men and women might focus unwanted attention on the differences between the sexes, and lead to women being labelled as marginal or temporary workers, thus making it more difficult to achieve total equality in the work and political spheres.[15]

It is important to realize that family-leave policies are determined by political and economic theories and realities interfaced with social contexts and cultural beliefs.

VI. Issues regarding family leave

Length of family leave

Once policy makers have decided to introduce family-leave legislation, there are a number of factors that should be considered in setting the length of the period of family leave. A review of existing legislation at all levels and in other countries is an important first step. A review of private-sector policies is another way of determining what is appropriate. Academic research on family and medical-care matters must be examined to develop a sound understanding of the needs of families for leave and of the conditions under which a leave policy might be more likely to succeed. Essentially, a dialogue has to be established between all the parties concerned: workers, employers, legislators, family-life experts, researchers and so forth. The ultimate goals of family-leave policies are to support families in difficult circumstances, to improve family health and well-being, to strengthen the self-care ability of families and to build and maintain a healthy, productive and motivated workforce. It is generally accepted in the research literature that individuals who are preoccupied with family health and welfare problems cannot devote their best efforts and the necessary attention to their jobs. Thus, the state of family well-being affects the functioning of workers and the work unit as a whole. In addition, while some family health or care problems can be predicted and planned for such as the arrival of a new baby, others such as the sickness of a child or the heart attack or accident of an elderly parent cannot. Policies should cover emergencies as well as planned-for events.

In regard to parental leave for the care of children, controversy exists over the appropriate length of time for such leaves. Some countries offer up to a year's leave. According to recent reports, up to 24 months of leave is available in Sweden to both men and women, most of it at 90 per cent of the salary, which may be extended to when the child reaches the age of four if the leave is taken in half-day units. Also, parents with children under 10 years of age have the right to reduce their working hours by 25 per cent.[16]

Regarding the appropriate length of leave for childbirth, most research on attachment (the time it takes to form critical relationships to significant persons in one's life, especially child and parent) and infant day care has led child development experts to support a minimum period of parental leave of three to four months as being best for both parents and child.[17] T. Berry Brazelton, a renowned American paediatrician and child development authority, advocates a leave of four months as minimal. He believes that the first 12 weeks of a baby's life is a period of major adjustment during which the baby settles into a secure routine.[18] Other experts concur and state also that consistency in caretaking during a child's early weeks is crucial.[19,20]

Parents are likely to feel stress following the birth or adoption of a newborn baby. They must juggle the multiple roles of employee, parent, spouse and homemaker.[21] Any reduction in income because of unpaid leave or doctors' bills puts the family under additional stress. With newborn babies, lack of sleep and new scheduling patterns are also parental stressors. Stress is a relevant factor in any discussion of family leave because stress has an impact on the family and reduces a worker's effectiveness. Someone who returns to work too soon after a family health crisis, a birth or an adoption may not be able to focus adequate attention on her or his work; it would be better to take more leave from work in order to get family responsibilities stabilized and to be ready to return to work.

Elder care

The subject of family leave usually conjures up concerns about parental leave and child care. However, owing to the ageing of the global population, elder care has become another dilemma for workers. More and more employees are reaching the age when they also have responsibilities for

the care of their parents and other older relatives.[22] In many families, elder care has become more of a long-term burden than child care.[23] Child care can be planned more easily. At the child's birth, the parent knows that the child will be ready for school within a few years and will become more independent over time. Elder care, however, can range from a few days to decades; and elders usually become more dependent in the course of time. Another issue is that ageing relatives may live long distances away whereas young children usually live at home.[24] The health-care costs for ageing relatives can be astronomical in countries without federally subsidized health care. Home-based care may be the only affordable solution; while, in some developing countries, families are often the sole source of care for elderly persons. Middle-aged persons may find themselves maintaining two households (theirs and their parents) as well as caring for young children. In a study of full-time employees who provided elder care, it was found that it was more time-consuming and stressful for the employee to maintain two households (i.e. providing food and upkeep for two homes) than if the employed son or daughter and the elder parent lived in the same house.[25]

Workers who are most at risk of becoming severely stressed are those who have young children, ageing parents and teenagers.[26] The importance of the psychological condition of caregivers and care receivers cannot be underestimated. Family members are best cared for and nurtured in environments that they are familiar with and that are loving and supportive. Child care has received the most attention in the press and in research, but the ageing of the population and the potential for long-range care problems of the elderly indicate that options for elder care are a necessity in family-leave policies.

Workplace policies supportive of the family

Family leave is one aspect of the larger issue of family-supportive workplace policies. The family and workplace interface is so multifaceted that policies that are now in place or being discussed are elemental to what is likely to come. Fernandez[27] grouped the options into three categories of specific policies and practices:

Provision of services. Under this category, the employer provides employees with information about the services available in the on-site and nearby child-care centres that some employers provide. For example, in the United States, many hospitals provide 24-hour child care in the hospital (on-site) to attract and retain staff, especially nurses.

Provision of financial assistance. The second category refers to employers' arrangements for special rates at community child-care centres and for child-care and elder-care services. In addition, cafeteria-style fringe benefits provide an opportunity for employees to select a range or variety of options that are best for themselves and their families. Options may include dental and medical health-insurance plans, child-care options or even child-care assistance by employer-contributed funds at local child-care centres reserving places for employees' children.

Provision of time for family responsibilities. This category includes maternity leave, paternity leave, the flexible use of sick days, flexitime and job-sharing.

Ideally, employees should be involved in determining the options on offer. Consistency of options within and between companies is desirable as employees change jobs and move to other locations. The benefit of having a national standard for family leave is that a worker's access to leave would be less dependent on such factors as geographic location or industry. It is critical to consider family leave as an integral aspect of concerns related to the family and work.

Opposition to family leave

Family leave is a new or developing concept in some countries. In other countries where nationally mandated policies already exist, they will need to be constantly updated to stay abreast of societal change. John Naisbitt, author of *Megatrends*, states that change occurs when there is a confluence of both changing values and economic necessity.[27] Family-leave policy represents a shift in values and economics that not everyone is prepared to accept. In family-leave legislation the family and its economic contribution is valued, but the government and employers are being asked to play a more active, supportive family role, which is new to some people. This attitude is evident in titles of articles such as "Parental leave - is it the business of business?".[16] Individual managers and policy makers may not realize the strain that employees with families experience. Some have sacrificed their own families in order to succeed and may fail to see why others cannot do the same.[28] Still others consider work and family to be a women's issue, and women still lack the power that is needed to strive for family-friendly policies.[29] In a research study, Grover found that a significant attitudes-toward-women effect indicated that those participants who held non-traditional beliefs about women's roles in the workforce evaluated parental leave as more fair than did those holding traditional views of women.[30]

Other problems in the establishment of family leave policies include costs, scheduling difficulties, equity issues and, in some cases, union resistance. [22,31,32] Opposition to family leave comes primarily from businesses that argue that all employee benefits are costly for employers who must either absorb these expenses or pass them on to the consumers.[33] They also argue that having the flexibility to meet their individual needs, rather than having benefits prescribed by the national Government, should be allowed. Since small businesses are exempt from most national family-leave policies, this eliminates some of the hardship that a small business might experience in guaranteeing a job for an employee on long-term parental or family medical-care leave. It is understandable that a business employing three or four persons such as an insurance office or an attorney's office, would have a difficult time in functioning if one employee took an extended leave. Family-leave policies must allow for supplementary or alternative approaches in such cases including sensitizing small business employers to options that they might consider (e.g. office contingency planning).

Effective legislation considers the needs of employees with families as well as the staffing problems of different-sized businesses. For example, the Family and Medical Leave Act of 1993 does exactly that because it applies only to workplaces with more than 50 employees. But family leave is far greater than a piece of single legislation; it is an ongoing issue that will continue as long as the workforce increases in diversity.

One concern of employers is that employees will abuse leave privileges. Such abuse has not been evident in recent studies conducted by the large transnational corporations of Johnson and Johnson and the American Telephone and Telegraph Company.[34] In fact, the results of the studies demonstrated that there were far more benefits than disadvantages from offering pro-family policies. Helping employees to resolve work and family conflicts boosted morale and increased productivity. For example, in the Johnson and Johnson study, it was found that absenteeism among employees who used flexitime and family leave was on average 50 per cent less than for the workforce as a whole, that 58 per cent of the employees surveyed said that such policies were "very important" in their decision to stay with the company and the number of the employees using the benefits increased to 71 per cent. As family-leave policies are implemented and research is conducted, there is a greater likelihood that the needs of the family and the workplace can be fulfilled.

Notes

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